

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

VICTOR RIVERA RIVERA et al.,

Plaintiffs,

vs.

PERI & SONS FARMS, INC.,

Defendant.

3:11-cv-00118-RCJ-VPC

ORDER

This proposed class action arises out of alleged labor violations by a farm with respect to migrant workers from Mexico, particularly, the employer's failure to pay the costs of inbound travel and immigration expenses during the first week of work. The Court granted a motion to dismiss, with leave to amend in part. Plaintiffs appealed, and the Court of appeals reversed.

Defendant has now asked the Court to stay the case pending the Supreme Court's determination of its petition for a writ of certiorari. The Court grants the motion. If the Supreme Court grants certiorari and reverses, Defendant will have been put through the expense of trial for no purpose. Plaintiffs can be made whole through the application of pre-judgment interest to any eventual damages, and if certiorari is denied, the delay caused by the stay will be minimal, as the petition is due by February 11, 2014. Although grants of certiorari are uncommon, the Court finds there to be a greater than typical chance of a grant in this case, as there is a circuit split on the relevant substantive issue of federal law. That split existed before the present case, but no certiorari petition appears to have been filed in the case that initially created the split, *see Castellanos-Contreras v. Decatur Hotels, LLC*, 622 F.3d 393 (5th Cir. 2010) (en banc), so the

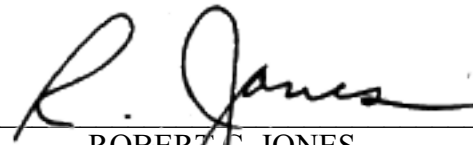
1 Supreme Court has not yet had occasion to consider it.

2 **CONCLUSION**

3 IT IS HEREBY ORDERED that the Motion to Stay (ECF No. 72) is GRANTED.

4 IT IS SO ORDERED.

5 Dated this 12th day of February, 2014.

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8 ROBERT C. JONES
9 United States District Judge
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